



**JOINT STATEMENT OF**

**LISA O. MONACO  
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U.S. DEPARTMENT OF JUSTICE**

**JOHN C. (CHRIS) INGLIS  
DEPUTY DIRECTOR  
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**ROBERT S. LITT  
GENERAL COUNSEL  
OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE**

**BEFORE THE  
SENATE SELECT COMMITTEE ON INTELLIGENCE  
UNITED STATES SENATE**

**AT A HEARING CONCERNING  
“FISA AMENDMENTS ACT REAUTHORIZATION”**

**PRESENTED ON  
FEBRUARY 9, 2012**

**Joint Statement of**

**Lisa O. Monaco**  
**Assistant Attorney General**  
**for National Security**  
**U.S. Department of Justice**

**John C. (Chris) Inglis**  
**Deputy Director**  
**National Security Agency**

**Robert S. Litt**  
**General Counsel**  
**Office of Director of National Intelligence**

**Before the**  
**Senate Select Committee on Intelligence**  
**United States Senate**

**At a Hearing Concerning**  
**“FISA Amendments Act Reauthorization”**

**Presented on**  
**February 9, 2012**

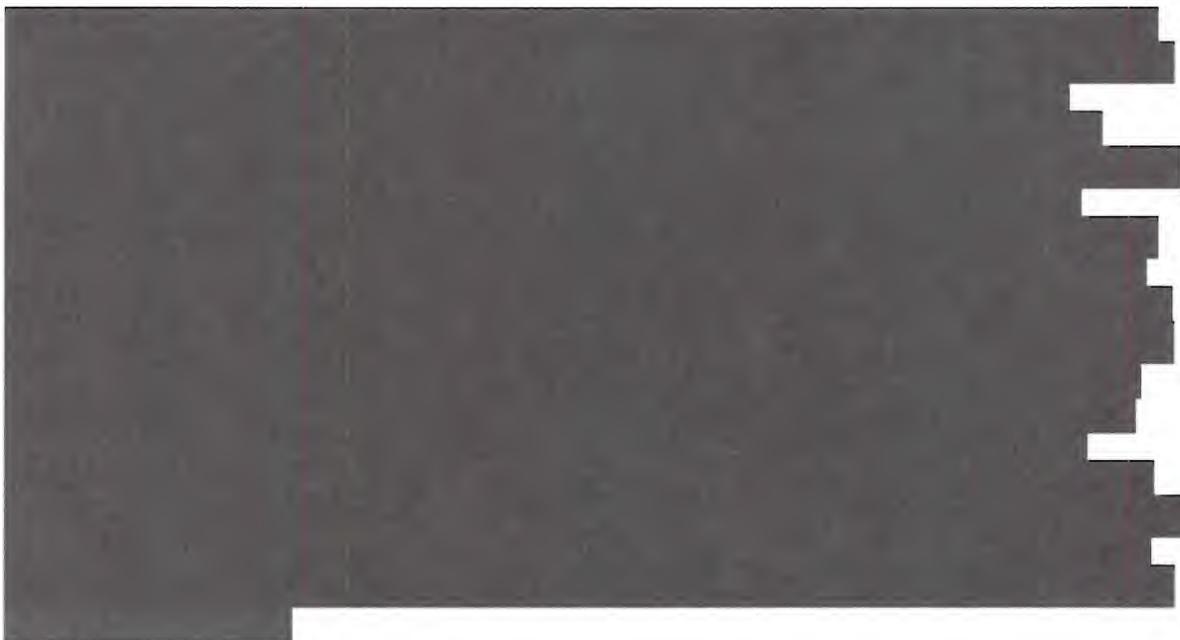
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[REDACTED]

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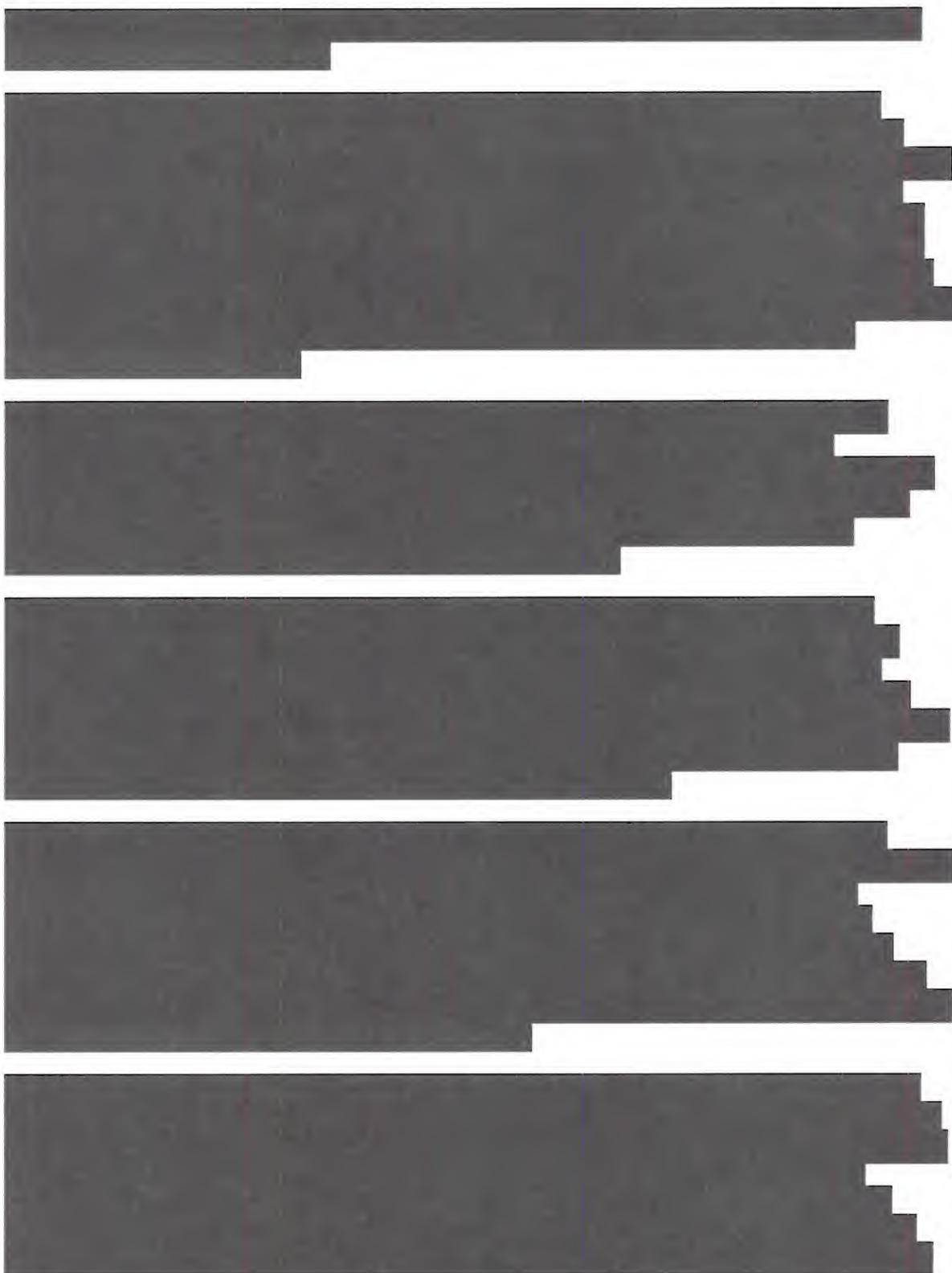
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A series of five horizontal black bars with white gaps, decreasing in height from top to bottom. The bars are positioned vertically, with a small white gap between each bar. The first bar is the longest, and the fifth bar is the shortest. The bars are set against a white background.

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[REDACTED]

[REDACTED]

[REDACTED]

(U) Recent FISC Opinion

~~(TS//SI//NF)~~ On October 20, 2011, the Director of NSA and the Assistant Attorney General for National Security testified before this Committee about an October 3, 2011 opinion of the FISC addressing the Government's submission of replacement certifications under section 702. *In re DNI/AG Certification 2009-C, et. al.*, Docket Nos. [REDACTED]

Mem. Op. As the Committee is aware, the FISC denied in part the Government's requests for replacement certifications because of its concerns about the rules governing the retention of certain non-targeted Internet communications -- so called multi-communication transactions or MCTs -- acquired through NSA's upstream collection under section 702. The FISC recognized, however, that the Government may be able to "tailor the scope of NSA's upstream collection, or adopt more stringent post-acquisition safeguards" in a manner that would satisfy its concerns, and suggested a number of possibilities as to how this might be done. *Id.* at 61-63, 78-80.

~~(TS//SI//NF)~~ On October 31, 2011, after extensive consultations among the Department, ODNI, and NSA, the Attorney General and the DNI submitted amended minimization procedures to the FISC addressing the deficiencies noted by the court. These amended procedures continue to allow for the upstream collection of MCTs; however, they also create more rigorous rules governing the retention of MCTs as well as NSA analysts' exposure to, and use of, non-targeted communications. On balance, NSA believes that the impact of these procedures on operations is acceptable as a necessary requirement in order to continue upstream collection, and that these procedures will allow for continued useful intelligence collection and analysis. On November 30, the FISC granted the Government's request for approval of the amended procedures, stating that, with regard to information acquired pursuant to the 2011 certifications, "the government has adequately corrected the deficiencies identified in the October 3 Opinion," and that the amended procedures, when "viewed as a whole, meet the applicable statutory and constitutional requirements."

(U) The Committee has been provided with copies of the opinions and the filings by the Government in this matter, and we will continue to inform the Committee about any additional developments on this issue.



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For more information, contact the Office of the Vice President for Research and Economic Development at 515-294-6450 or [research@iastate.edu](mailto:research@iastate.edu).

A dark, textured surface, possibly a wall or floor, with a vertical red line running down the left side. In the bottom right corner, there is a white L-shaped corner, suggesting a transition to a different surface or a cutout in the wall. The overall appearance is that of a plain, unadorned interior wall.

11. *What is the primary purpose of the following statement?*

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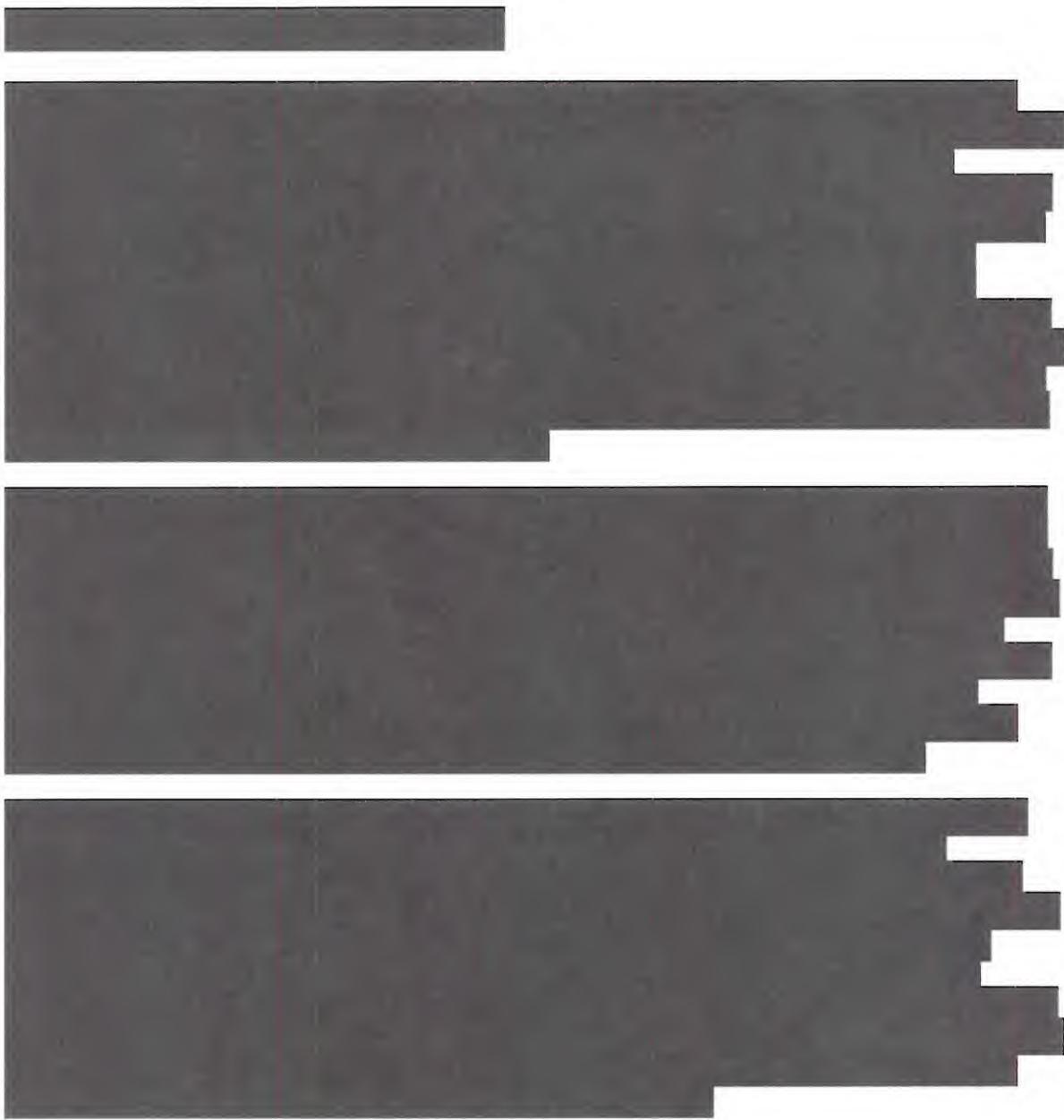
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